IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.316 OF 2004
IN
SUMMARY SUIT NO.782 OF 2004

M/s.Prince Multiplast Pvt. Ltd. Plaintiffs

versus

J.M.Polyfab and another Defendants

Ms.Neeta Solanki i/by Karan Jain, adv. for plaintiffs.

CORAM : S.C.DHARMADHIKARI, JJ.

DATE : 18th February 2005

PC :

1. Heard Ms.Neeta Solanki for the plaintiff. Ms.Solanki tenders affidavit proving service on the advocate for the defendants. Affidavit taken on record.

2. This summons for judgement is taken out in a Summary Suit instituted on the basis of written contract evidenced by invoices and delivery challans. The goods have been received inasmuch as part payments have been made by the defendants towards the same. Even after receipt of the

notice prior to the institution of the suit, some payments have been made by cheque. Due credit has been given insofar as this payment is concerned. After institution of the summary suit and service of written summons, Vakalatnama was filed. Thereafter the present summons for judgement was taken out on 16th April 2004 and it has been duly served on 27th April 2004. Despite service none appears for the defendants. Their advocate is also absent. There is no reply to the summons for judgement.

3. In the circumstances decree as prayed. Original documents taken on record and marked "X" for identification. Advocate’s costs and refund of court fee as per rules. Certified copy expedited.

(S.C.DHARMADHIKARI, J.)